

Chapter 228 of The Acts of 2000

AN ACT PROVIDING FOR THE COLLECTION OF DATA RELATIVE TO TRAFFIC STOPS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. As used in this act, "racial and gender profiling" means the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.

SECTION 2. The executive office of public safety shall work with the department of state police and municipal police departments to ensure that adequate efforts are being made to identify and eliminate any instances of racial and gender profiling by police officers in the performance of their official duties.

SECTION 3. The department of state police and the Massachusetts Chiefs of Police Association, shall develop policies and procedures on how to identify and prevent racial and gender profiling by police officers, and shall submit them to the secretary of public safety for review not later than **March 1, 2001**. If the secretary approves such policies and procedures, the secretary shall direct the criminal justice training council to include them in (a) the new recruit basic training curriculum under section 116A of chapter 6 of the General Laws; (b) any in-service training for veteran officers; (c) any supervisory training for all superior officers; and (d) any dispatcher and communication officer training.

SECTION 4. The executive office of public safety shall initiate a public awareness campaign on racial and gender profiling not later than **April 1, 2001**. The campaign shall emphasize the

responsibility of public safety officials and residents of the commonwealth to identify unlawful or potentially unlawful behavior by an individual, as opposed to the individual's race or gender, before taking any action. As a part of this public awareness campaign, the executive office of public safety shall establish a procedure whereby motorists who allege that an incident of racial or gender profiling has occurred may register a complaint by calling a toll-free telephone number. The executive office of public safety shall periodically analyze such complaints, and shall share the data with the appropriate state or local police departments.

SECTION 5. The registry of motor vehicles shall revise the Massachusetts Uniform Citation to include a field that allows officers to note whether a search of a vehicle occurred at the time a citation was issued.

SECTION 6. The executive office of public safety shall develop a uniform protocol for state police and municipal police officers on how to use the Massachusetts Uniform Citation to record the race and sex of each individual cited by an officer for a motor vehicle violation, and whether or not a search occurred. The protocol shall be put into effect not later than **April 1, 2001**.

SECTION 7. The registry of motor vehicles shall, in consultation with the department of state police, incorporate in any driver education manual prepared by the registry a section on how motorists should respond if they are stopped by police officers, including what they can do if they believe they were stopped as a result of racial or gender profiling.

SECTION 8. The registry of motor vehicles shall collect data from any issued Massachusetts Uniform Citation regarding the following information:

(1) identifying characteristics of the individuals who receive a warning or citation or who are arrested, including the race and gender of the individual;

(2) the traffic infraction;

(3) whether a search was initiated as a result of the stop; and

(4) whether the stop resulted in a warning, citation or arrest.

The registry of motor vehicles shall maintain statistical information on the data required by this section and shall report that information monthly to the secretary of public safety, who shall determine when it is also appropriate to transmit such data to the attorney general. The data collection shall commence not later than **April 1, 2001**.

SECTION 9. Individual data acquired under this section shall be used only for statistical purposes and may not contain information that may reveal the identity of any individual who is stopped or any law enforcement officer.

SECTION 10. Not later than **April 1, 2002**, the secretary of public safety shall transmit the necessary data collected by the registry of motor vehicles to a university in the commonwealth with experience in the analysis of such data, for annual preparation of an analysis and report of its findings. The secretary shall forthwith transmit the university's annual report to the department of the attorney general, the department of state police, the Massachusetts Chiefs of Police Association, the executive office of public safety and the clerks of the house of representatives and the senate. The executive office of public safety shall, in consultation with the attorney general, if such data suggest that a state police barracks or municipal police department appears to have engaged in racial or gender profiling, require said state police barracks or municipality for a period of one year to collect information on all traffic stops, including those not resulting in a warning, citation or arrest. This information shall include the reason for the stop in addition to the other information already required under the Massachusetts Uniform Citation. Upon appeal by the colonel of state police or the municipality, respectively, the attorney general may determine that collecting such information is not required.

House of Representatives, July 29, 2000.

Passed to be enacted, (Thomas M. Finneran), Speaker.

In Senate, July 29, 2000.

Passed to be enacted, (Thomas F. Birmingham),

President

August 10, 2000.

Approved, at 3:51, P.M.

(Argeo Paul Cellucci), Governor.

Notes: Chapter 228 of The Acts of 2000

- Amended by Senate Bill 2324 (Enacted January 2, 2001; Signed into law January 12, 2001*)